

EXHIBIT 6

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DAVID FLOYD, LALIT CLARKSON,
DEON DENNIS, and DAVID OURLICHT,
on behalf of themselves and all others
similarly situated,

08 Civ. 1034 (SAS)

Plaintiffs,

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants.

**DECLARATION OF DEVIN ALMONOR
IN SUPPORT OF CLASS CERTIFICATION**

DEVIN ALMONOR declares as follows pursuant to 28 U.S.C. § 1746:

1. I am a 15-year-old Black person, and I submit this declaration in support of class certification in the above captioned action.
2. I live with my parents on Riverside Drive between West 139th and West 140th Streets, in the Harlem neighborhood of New York, New York.
3. On Saturday afternoon, March 20, 2010, when I was 13 years old, I was at home with a friend playing video games.
4. At about 8:30 that night, I walked with my friend, who was going home, to a nearby bus stop on West 145th Street.
5. After my friend boarded the bus, I walked toward Hamilton Place to meet my older brother at a local bodega. My brother was 15 years old at the time.

6. At around 9:00 p.m., I began to cross the street toward the bodega by walking through the pedestrian crosswalk.

7. While I was crossing the street, a dark, unmarked car came upon me and stopped between me and the bodega. There were New York Police Department ("NYPD") police officers inside the car—Sergeant Jonathan Korabel and Officer Brian Dennis—dressed in plain clothes.

8. Sergeant Korabel and Officer Dennis exited the car and came toward me.

9. Sergeant Korabel and Officer Dennis asked me for my name, my age, and where I lived. I answered their questions. I told them, among other things, that I was 13 years old.

10. Sergeant Korabel and Officer Dennis then asked me where I was going while searching me, although I had done nothing to cause them to believe that I was a threat to their safety. I answered their questions. I told them among other things that I lived two blocks away.

11. At the time of the stop, before it, and during it, I was not engaged in any action or conduct that would have permitted a reasonably objective police officer to believe that I had committed a crime, was committing a crime, or was about to commit a crime. I was not acting disorderly. There was no reason for anyone to suspect that I had weapons or drugs on my person. At all times during the stop, I cooperated with the police officers.

12. I believe that Sergeant Korabel and Officer Dennis stopped and frisked me without reasonable suspicion and because I am a Black person. I believe this in part because the officers had no reason to stop me. I cooperated with them and had done nothing wrong. In addition, a neighbor later told me that the NYPD had tried to stop her son, also a young Black person, when he was in front of their house. She got involved and the officers left him alone. This happened right before I was stopped and in the same area, and it makes me feel like the NYPD was just looking for young Black men to stop, frisk, and arrest.

13. After frisking me, but even though they did not find any drugs or weapons on me, and without any cause, Sergeant Korabel and Officer Dennis handcuffed me and placed me in the back of their car.

14. As this was happening, my brother came out of the bodega and saw the officers handcuffing me and placing me in the back of their car.

15. My brother approached and asked for the officers' names, but Sergeant Korabel and Officer Dennis refused to provide them. My brother told the officers that our father was a retired NYPD officer. Sergeant Korabel said to him, in words or substance, "Well, I'm a Sergeant." Sergeant Korabel and Officer Dennis told him to tell my father to pick me up at the 30th Precinct.

16. Sergeant Korabel and Officer Dennis then drove me to the 30th Precinct. Officer Dennis sat in the back of the car beside me. When I began to cry, Officer Dennis said, in words or substance, "why are you crying like a little girl?"

17. When we arrived at the 30th Precinct, Sergeant Korabel and Officer Dennis brought me to the front desk and Officer Dennis told the Sergeant there that they picked up me up because he thought I had a gun, even though I had done nothing that would cause them to believe that I had a gun. And by that point Sergeant Korabel and Officer Dennis had already frisked me in the street and knew I did not have a gun.

18. Officer Dennis then took me to the juvenile holding room and handcuffed me to a bar, where I remained until I was released to the custody of my uncle hours later. In the meantime, the officers at the 30th Precinct, among other things, arrested both of my parents when they came to pick me up. I was never charged with any violation or crime—not anything.

19. On June 17, 2011, my parents and I filed a lawsuit based in part on this stop (11 Civ. 4121).

20. I was, among other feelings, scared and humiliated during this stop. I am afraid of this happening again. I am afraid that I will again be stopped and frisked and searched for no reason other than my race.

21. I do not want the NYPD to stop and frisk people without any suspicion and based on race, and I wanted to bring what happened to me to the Court's attention.

I declare under penalty of perjury on the third day of November, 2011, that the foregoing is true and correct.

Devin Almonor
DEVIN ALMONOR